

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION**

STATE OF TEXAS,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 5:13-CV-00255-C
)	
EQUAL EMPLOYMENT)	
OPPORTUNITY COMMISSION, <i>et al.</i> ,)	
)	
Defendants)	
_____)	

DEFENDANTS' ANSWER TO PLAINTIFF'S SECOND AMENDED COMPLAINT

Defendants hereby answer Plaintiff's First Amended Complaint as follows:

1. The first paragraph contains a characterization of Plaintiff's suit and legal conclusions to which no response is required.

Parties

2. Defendants admit the first sentence. Defendants lack knowledge or belief sufficient to respond to the second sentence.
3. Admit.
4. This paragraph contains legal conclusions to which no response is required.
5. This paragraph contains legal conclusions to which no response is required.

Jurisdiction and Venue

6. This paragraph contains legal conclusions to which no response is required.
7. This paragraph contains legal conclusions to which no response is required.

8. This paragraph contains legal conclusions to which no response is required.

Factual Allegations

9. This paragraph contains legal conclusions to which no response is required.

10. Defendants deny the first two sentence. The third sentence contains a characterization of the EEOC Enforcement Guidance, Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964, No. 915.002 (April 25, 2012) (Guidance) to which no response is required. Defendants respectfully refer the Court to the Guidance for a complete and accurate statement of its contents.

11. Defendants deny all but the last sentence of the paragraph. As to the last sentence, it contains a characterization of the Guidance to which no response is required. Defendants respectfully refer the Court to the Guidance for a complete and accurate statement of its contents.

12. This paragraph contains a characterization of the Guidance to which no response is required. Defendants respectfully refer the Court to the Guidance for a complete and accurate statement of its contents.

13. This paragraph contains a legal conclusion and characterizations of the Guidance to which no response is required. Defendants respectfully refer the Court to the Guidance for a complete and accurate statement of its contents.

14. Deny.

15. Defendants deny the first sentence. The second sentence contains a characterization of the Guidance to which no response is required. Defendants

respectfully refer the Court to the Guidance for a complete and accurate statement of its contents. The final sentence contains a legal conclusion to which no response is required.

16. Deny.

17. Defendants deny the first sentence. The second sentence contains a characterization of documents in another matter to which no response is required.

18. This paragraph contains characterizations of filings in another lawsuit to which no response is required. Defendants respectfully refer the Court to those filings for a full and complete statement of their contents.

19. This paragraph contains characterizations of filings in another lawsuit to which no response is required. Defendants respectfully refer the Court to those filings for a full and complete statement of their contents.

20. This paragraph contains characterizations of filings and decisions in another lawsuit to which no response is required. Defendants respectfully refer the Court to those filings and decisions for a full and complete statement of their contents.

21. This paragraph contains characterizations of filings and decisions in another lawsuit to which no response is required. Defendants respectfully refer the Court to those filings and decisions for a full and complete statement of their contents.

22. Defendants deny the first and third sentences. The second sentence contains a characterization of legal documents from another matter to which no response is required.

23. Defendants lack knowledge or belief sufficient to respond to the first and second sentences. The third sentence contains a legal conclusion to which no response is required.

24. Defendants admit the first sentence. Defendants lack knowledge or belief sufficient to respond to the second sentence. The third sentence contains a characterization of a Texas state legal provision to which no response is required. Defendants respectfully refer the Court to the Texas Code for a full and complete statement of its contents. Defendants lack knowledge or belief sufficient to respond to the remainder of the paragraph.

25. Defendants admit the first sentence. Defendants lack knowledge or belief sufficient to respond to the remainder of the paragraph.

26. Defendants admit the first sentence. Defendants lack knowledge or belief sufficient to respond to the second and third sentences. The last sentence contains a characterization of the Texas Code to which no response is required. Defendants respectfully refer the Court to the Texas Code for a full and complete statement of its contents.

27. Defendants admit the first sentence. Defendants lack knowledge or belief sufficient to respond to the remainder of the paragraph.

28. Defendants admit the first sentence. Defendants lack knowledge or belief sufficient to respond to the remainder of the paragraph.
29. Defendants admit the first sentence. Defendants lack knowledge or belief sufficient to respond to the second sentence. The third sentence contains legal conclusions to which no response is required. Defendants lack knowledge or belief sufficient to respond to the remainder of the paragraph.
30. The first sentence contains a legal conclusion to which no response is required. Defendants lack knowledge or belief sufficient to respond to the remainder of the paragraph.
31. Defendants lack knowledge or belief sufficient to respond to the first three sentences of this paragraph. Defendants deny the last sentence of the paragraph.
32. Deny.
33. Defendants deny the first three sentences. The fourth sentence contains a legal conclusion to which no response is required. As to the fifth sentence, Defendants lack knowledge or belief sufficient to know whether the statements were made, and the statements attributed to the President of the National Small Business Association contain legal conclusions and characterizations of the EEOC's conduct to which no response is required.
34. Deny.
35. Defendants deny the first two sentences. Defendants lack knowledge or belief sufficient to respond to the third sentence.

36. The first sentence contains a legal conclusion to which no response is required.

Defendants deny the remainder of the paragraph.

37. Defendants deny the first two sentences and sentence six. Defendants lack knowledge or belief sufficient to respond to sentences three, four, and five.

Defendants admit the last sentence of the paragraph.

Claims for Relief

38. Defendants incorporate their responses to paragraphs 1-37 as if set forth in full.

39. Defendants lack knowledge or belief sufficient to respond to this paragraph.

40. Deny.

41. The first sentence contains legal conclusions to which no response is required.

Defendants deny the second sentence.

42. This paragraph contains a legal conclusion to which no response is required.

43. The first sentence contains a characterization of the Amended Complaint to which no response is required. The second sentence contains legal conclusions to which no response is required.

44. This paragraph contains a characterization of the Amended Complaint to which no response is required.

45. Defendants incorporate their responses to paragraphs 1-44 as if set forth in full.

46. Deny.

47. This paragraph contains characterizations of 5 U.S.C. §§ 702 and 706 to which no response is required. Defendants respectfully refer the Court to those provisions for a full and accurate statement of their contents.

48. The first sentence of this paragraph contains characterizations of the Amended Complaint to which no response is required. The second sentence contains legal conclusions to which no response is required.

49. Defendants deny the first sentence. The second sentence contains legal conclusions to which no response is required.

50. Deny.

Demand for Judgement

Defendants deny that Plaintiff is entitled to any of the relief that it seeks.

Dated: August 7, 2017

Counsel for Defendants:

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CERTIFICATE OF SERVICE

I certify that on August 7, 2017, I served Defendants' Answer to Plaintiff's Second Amended Complaint via the CM/ECF System:

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